

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled in:

COATING AND COMPOSITE FROZEN CONFECTIONS

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on _____ (if applicable)
☐ was filed in the United States on as Application No. _____ (declaration not accompanying application) with amendment(s) filed on _____ (if applicable)
☐ was filed as PCT international Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
EP 01124506.5	Europe	October 12, 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

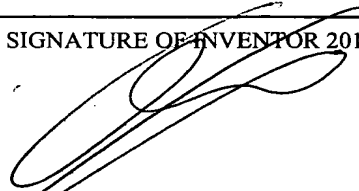
PROVISIONAL APPLICATION NUMBER	FILING DATE

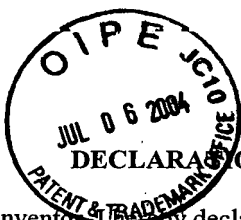
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP02/107042	September 24, 2002		X	

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME KRUIK	FIRST NAME Adrianus	MIDDLE NAME Cornelis	
	RESIDENCE & CITIZENSHIP	CITY EH Bergeijk	STATE OR FOREIGN COUNTRY Netherlands	COUNTRY OF CITIZENSHIP The Netherlands	
	POST OFFICE ADDRESS	STREET Pastoorshof 11	CITY EH Bergeijk	STATE OR COUNTRY Netherlands	ZIP CODE NL-5571
		SIGNATURE OF INVENTOR 201 		DATE 26-03-2004	
202	FULL NAME OF INVENTOR	LAST NAME GAENG	FIRST NAME Wolfgang	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Le Mont St.Adrien	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET 18, Rue des Coutumes	CITY Le Mont St.Adrien	STATE OR COUNTRY France	ZIP CODE FR-60650
		SIGNATURE OF INVENTOR 202		DATE	
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 203		DATE	

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

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COATING AND COMPOSITE FROZEN CONFECTIONS

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on _____ (if applicable)
☐ was filed in the United States on as Application No. _____ (declaration not accompanying application) with amendment(s) filed on _____ (if applicable)
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EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
EP 01124506.5	Europe	October 12, 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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PROVISIONAL APPLICATION NUMBER	FILING DATE

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NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP02/10704	September 24, 2002		X	

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME KRUIK	FIRST NAME Adrianus	MIDDLE NAME Cornelis	
	RESIDENCE & CITIZENSHIP	CITY EH Bergeijk	STATE OR FOREIGN COUNTRY Netherlands	COUNTRY OF CITIZENSHIP The Netherlands	
	POST OFFICE ADDRESS	STREET Pastoorshof 11	CITY EH Bergeijk	STATE OR COUNTRY Netherlands	ZIP CODE NL-5571
		SIGNATURE OF INVENTOR 201		DATE	
202	FULL NAME OF INVENTOR	LAST NAME GAENG	FIRST NAME Wolfgang	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Le Mont St.Adrien	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET 18, Rue des Coutumes	CITY Le Mont St.Adrien	STATE OR COUNTRY France	ZIP CODE FR-60650
		SIGNATURE OF INVENTOR 202 		DATE 15/3/04	
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 203		DATE	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Adrianus Cornelis KRUIK et al.

Confirmation No. 9267

Application No.: 10/820,880

Group Art Unit: 1761

Filing Date: April 9, 2004

Examiner:

For: COATING AND COMPOSITE FROZEN
CONFECTIONS

Atty. Docket No.: 88265-7114

**POWER OF ATTORNEY
STATEMENT UNDER 37 CFR 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

As shown by the attached copy of POWER OF ATTORNEY TO PROSECUTE APPLICATION BEFORE THE USPTO, the undersigned attorney of WINSTON & STRAWN LLP (Customer No. 28765) has been appointed to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

An assignment of the entire interest in the above-identified subject application:

- ☒ is submitted herewith for recording and a copy is attached.
☐ was submitted for recordation on _____ and a copy is attached.
☐ was recorded on _____ at Reel _____, Frame _____.

The undersigned attorney has reviewed this assignment and, to the best of his/her knowledge, and belief, the application is owned by the Assignee NESTEC S.A. and that he/she is empowered and authorized to act on their behalf..

Please direct all correspondence for this application to Customer No. 28765 to the attention of Patent Department (telephone 202-371-5904, facsimile 202-371-5950).

Respectfully submitted,

Date: 7/6/04

Allan A. Fanucci
Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN LLP
CUSTOMER NO. 28765
(212) 294-3311

Enclosure

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number:

28765

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

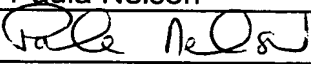
Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Nestec S.A.
Avenue Nestlé 55
CH-1800 Vevey
Switzerland**A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.****SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Paula Nelson		
Signature		Date	24.02.04
Title	Vice President	Telephone	

SEND TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

ASSIGNMENT

WHEREAS, each of

Adrianus Cornelis KRUIK, citizen of the Netherlands,
residing at, Pastoorshof 11, NL-5571, EH Bergeijk ,Netherlands; and

Wolfgang GAENG, citizen of Germany, residing at,
18, Rue des Coutumes, FR-60650, Le Mont St.Adrien, France.

ASSIGNOR, is an inventor of the invention in **COATING AND
COMPOSITE FROZEN CONFECTIONS**, for which an application for a Patent of
the United States, identified by Winston & Strawn Docket No. **88265-7114**

- ☒ is executed on even date herewith
☐ was filed on _____ as Application No. _____.

WHEREAS, **NESTEC S.A.**, a Swiss corporate body having a place of business at
Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining each
inventor's entire right, title and interest in, to and under the said invention and the said
application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each
inventor in hand paid, and other good and valuable consideration, the receipt of which is
hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by
these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its
successors, legal representatives and assigns, his or her entire right, title and interest in, to and
under the said invention, and the said United States application and all divisions, renewals
and continuations thereof, and all Patents of the United States which may be granted thereon
and all reissues and extensions thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents
and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors,
legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to
convey the entire interest herein assigned, and that he or she has not executed, and will not
execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will
communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any

facts known to him or her respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed his or her signature.

Date

Adrianus Cornelis KRUIK

On this _____ day of _____, 2004, before me, Witness, personally appeared **Adrianus Cornelis KRUIK**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Witness

Date

15/3/04

Wolfgang GAENG

On this 15th day of March, 2004, before me, Witness, personally appeared **Wolfgang GAENG**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

CR
Witness